REMARKS/ARGUMENTS

Claims 1-21 were present for examination in the present application and all stand finally rejected in view of cited prior art. Accompanying the present amendment is a request for Extension of Time and a Request for Continuing Examination.

Claims 1, 2, 4, 5, 8 and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by Tsui U.S. Patent 6,249,673 ('673) which also forms the basis of 35 U.S.C. 103 rejections of other claims discussed below. Both the present application and the Tsui reference relate to learning transmitters for transmitting security codes. The Tsui system receives rf signals from a "template" transmitter to learn the configuration settings such as frequency, code format and security code of the template transmitter. Data representing the received and detected configuration signals is then stored in the transmitter in association with one of a plurality of transmit switches. After the configuration settings are detected and stored, activating the associated transmit switch will cause the transmitter to rf transmit the security code.

Applicant's disclosed arrangement is different from that of Tsui. Applicant's arrangement includes a plurality of input switches for defining the configuration settings in place of Tsui's more complicated rf receiver and analysis of received signals. A user will set the input switches and, during a learn mode, the configuration settings defined by those switches will be read and stored in association with one of a plurality of transmit switches. During subsequent transmit operation, activation of a transmit switch causes the reading of the associated configuration setting from memory and the transmission of a security code at the

frequency, format and security code defined by the configuration setting.

The system described by applicant includes two types of user manipulatable switches. The first type (represented by example as 52 in Fig. 3A) is controlled by an operator to define attributes of a signal for transmission. The first type of switches are referred to as signal configuration switches. The second type of switches (represented by example as 50 in Fig. 3B) may be used to identify storage locations during a learn operation and to initiate the transmission of codes during the operate mode. Applicant can find only the second type of switches (represented by switches 260 in Fig. 2 of '673) in the '673 reference. No switches can be found which are used define signal configuration settings.

Claim 1 stands rejected as anticipated by '673. To anticipate a reference must teach every element of the claim. Claim 1, as amended, recites a plurality of user manipulatable signal configuration switches to define signal configuration settings. It will be remembered that the signal configuration settings include one or more of defining a transmit frequency, defining a transmit format and defining a security code to be transmitted. The claim 1 also includes a controller, responsive to the signal configuration switches for storing in memory, the signal configurations defined by the signal configuration switches. No such controller is taught or suggested by '673. The cited reference does store data identifying frequency, format and code, but that data is derived from a complicated rf receiver and code detection arrangement - not from switches.

The Examiner appears to argue that the switches S1-S8 of '673 are both the signal configuration switches and the transmit initiation keys. This is not the case because switches S1-S8 do not define signal configuration settings for storage in memory;

instead they identify which data to read from memory to transmit a security code. In view of the foregoing, applicant asserts that claim 1 is allowable as amended as are claims 3-7 which depend therefrom.

Applicant's claims 8 and 9 are also stated by the Examiner to be anticipated by '673. Claims 8 and 9, with slight differences in terminology include setting configuration switches to first positions defining a first signal configuration then storing the first configuration read from the switches in memory. As stated above, '673 does not show or teach storing switch settings in memory to define a signal to later be transmitted. Claims 8 and 9 also include steps of setting the switches to a second set of positions defining a second configuration signal and storing the second switch readings in a second (different than the first) memory position. The only mention of configuration setting switches in '673 occurs in column 1, lines 44-65 in a discussion of prior art and there is no discussion of storing such switch settings in memory. There is also no suggestion or teaching of resetting such switches to provide a second configuration for storage in memory. In view of the foregoing, applicant asserts that claims 8 and 9 are allowable as amended.

Claim 10 stands rejected as obvious under 35 U.S.C. 103 as unpatentable over Tsui '673 in view of Tsui U.S. Patent 6,556,813 ('813).

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

> The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. MPEP § 2142

Applicant asserts that the references include no suggestion or motivation for combination and that even if combined they do not teach or suggest all of the claim limitations.

First, the suggestion to combine is taken up. Both of the references '673 and '813 discuss the use of switches to specify the modulation pattern and frequency for future code transmission. There is no discussion of how the settings of the switches are read or stored to form a value for transmission. The background of '813, column 1, line 64 - column 2, line 7 also clearly shows that the discussed prior system can only operate with one receiver at a time. That is, no facility exists to "program" the transmitter with multiple codes. The text of '813 from column 1, line 53 to column 2, line 16 clearly states that the teaching of switches is not to be combined with, but to be replaced by the teachings attributed to '673. Accordingly, both references teach away from any combination. And as such, there is no *prima facie* case of obviousness.

Further, the references, even if combined do not teach or suggest all of the claim limitations. Neither reference or their combination teach or suggest the step of storing a first signal configuration defined by the multi-position switches into a first memory location and the step of storing a second signal configuration defined by the multi-position switches into a second memory location. In view of the foregoing, applicant asserts that claim 10 and claims 11-15 which depend therefrom are allowable.

Claim 16 stands rejected under 35 U.S.C. 103 as obvious in view of '673. Applicant does not understand the rejection. Claim 16 includes the steps of setting configuration switches to define

a code signal configuration, reading the code configuration from the switches and storing the configuration so read in memory. The '673 reference does not include configuration switches as included in the claim, as discussed throughout this response, and accordingly, it cannot read them and store a configuration signal they represent. Thus, '673 does not teach or suggest an element of the claim 16 and claim 16 is not obvious. Claims 17-21 are asserted to be allowable due to their dependence on claim 16.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully requested,

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